

State of Minnesota

County of

District Court

Probate Division

Judicial District:

Court File No.

Case Type: 14, ☐ Conservatorship

☐ Guardianship

In Re: ☐ **Guardianship**

☐ **Conservatorship of**

VISITOR'S REPORT

1. Date of Interview:

Place:

Others present during the interview:

2. Person oriented as to time and place. Knowledge of:

Time of day:

Date:

Place:

3. Physical appearance:

4. Were the notice and petition read to the Respondent?

5. Questions put to the person and his/her responses:

A) Do you understand the nature, purpose and effect of these proceedings?

B) You must be physically present at the hearing on this petition. Do you understand?

- C) The law requires that the Court appoint an attorney to represent you, unless you wish to hire your own, or an attorney is provided by others, or you waive, in writing, the right to have an attorney. If you can afford it, you must pay reasonable attorney's fees for the attorney you hire, or the attorney appointed by the Court.

Do you understand what I have told you?

You have a right to hire your own attorney. Do you wish to obtain your own attorney?

Do you want to have the Court-appointed attorney?

Do you wish to waive your right to be represented by an attorney?

Was a waiver signed?

If an attorney is to be retained:

What is his/her name?

If an attorney is to be appointed by the Court:

_____ is the Court-appointed attorney who will be available to represent you.

Was a copy of the Order Appointing Attorney given to the Respondent?

Visitor Comments – Any need for an attorney?

- D) Is English your second language? ☐ Yes ☐ No
Do you want an Interpreter at the hearing? ☐ Yes ☐ No
If Yes, what language?
- E) Which of your family members is closest to you and in whom do you have trust and confidence?
- F) Who are your other family members?
- G) Do you know _____, the proposed guardians/conservators?

Would you like _____
to be appointed your guardian/conservators, or neither?

If neither, is there someone you would prefer to be your guardian/conservator?

Who?

If the Petition is for guardianship

What powers would you like the guardian to have:

- 1) The power to have custody of you and be responsible for finding you a place to live?
- 2) The power to provide for your care, comfort and needs?
- 3) The power to take care of your personal belongings?
- 4) The power to provide for medical care and treatment?
- 5) The power to be responsible for any contracts you make?
- 6) The power to have supervision over you?
- 7) The power to apply on your behalf for any assistance, services, or benefits available to you.

Visitor's Comments

If the Petition is for conservatorship of estate:

- 1) The power to pay for your support and maintenance?
- 2) The power to pay your debts?
- 3) The power to have and manage your estate?

4) The power to exchange or sell your interest or purchase other heirs interest in inherited real estate?

5) The power to approve or withhold approval of any contract, except necessities, which you may wish to make?

6) The power to apply on your behalf for any assistance, services, or benefits available to you?

Visitor's Comments:

6. Report on residence:

A) Is place visited the Respondent's place of abode?

B) Type of abode:

C) Address:

D) General condition of abode, if a private residence:

7. Conclusions of Visitor:

A) The nature and degree of the person's current incapacity or disability is as follows:

B) **If guardianship:** It seems appropriate to grant all powers to the guardian:
☐ Yes ☐ No If No, the following powers seem appropriate:

- ☐ Have custody of the Ward and establish the place of abode for the Ward within or without the State, M.S. § 524.5-313 (c)(1);
- ☐ Provide for the Ward's care, comfort and maintenance needs, M.S. § 524.5-313 (c)(2);
- ☐ Take reasonable care of the Ward's clothing, furniture, vehicles and other personal effects, M.S. § 524.5-313 (c)(3);
- ☐ Give any necessary consent to enable, or to withhold consent for, the Ward to receive necessary medical or other professional care, counsel, treatment or service, M.S. § 524.5-313 (c)(4);
- ☐ Approve or withhold approval of any contract, except for necessities, which the Ward may make or wish to make (***only given if no conservator is appointed***), M.S. § 524.5-313 (c)(5);
- ☐ Exercise supervision authority over the Ward, M.S. § 524.5-313 (c)(6);
- ☐ Apply on behalf of the Ward for any assistance, services, or benefits available to the Ward through any unit of government (***only given if no conservator is appointed***) M.S. § 524.5-313 (c)(7);
- ☐ (other)_____..

- C) **If conservatorship:** It seems appropriate to grant all powers to the conservator:
☐ Yes ☐ No If No, the following powers seem appropriate:
- ☐ Pay reasonable charges for the support, maintenance, and education of the Protected Person in a manner suitable to the Protected Person's station in life and the value of the Protected Person's estate, M.S. § 524.5-417 (c)(1);
 - ☐ Pay out of the Protected Person's estate all lawful debts of the Protected Person, M.S. § 524.5-417 (c)(2);
 - ☐ Possess and manage the estate of the Protected Person, collect all debts and claims in favor of the Protected Person, or with the approval of the court compromise them, institute suit on behalf of the Protected Person and represent the Protected Person in court proceedings, and invest pursuant to M.S. § 48A.07 and 501B.151 all funds not currently needed for debts, charges, and management of the estate, M.S. § 524.5-417 (c)(3);
 - ☐ Exchange or sell an undivided interest in real property, M.S. § 524.5-417 (c)(4);
 - ☐ Approve or withhold approval of any contract, except for necessities, which the Protected Person may make or wish to make, M.S. § 524.5-417 (c)(5);
 - ☐ Apply on behalf of the Protected Person for any assistance, services, or benefits available to the Protected Person through any unit of government, M.S. § 524.5-417 (c)(6); and
 - ☐ (other)_____.

8. Additional comments:

- A. Living arrangement preference of the Respondent:
- B. Other:

Does the Respondent take medication(s) that could interfere with judgment? ☐ Yes ☐ No

9. I informed the Respondent that I would be preparing this report and that a copy of it would be available to him/her and his/her attorney, not later than 5 days prior to the hearing.
10. I, the Visitor, have no personal interest in these proceedings.

Signature of Court Visitor

Dated: _____